

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHV, INC. and DASH STRATEGIES, LLC,      No. C 11-04933 CRB  
Plaintiffs,      **ORDER REMANDING CASE**  
v.  
ALMA L. CUSTODIO, and DOES 1 to 10,  
Defendants.

Defendants Alma L. Custodio removed this case from state court on October 5, 2011. See dk. 1. The case was reassigned on October 17, 2011. See dk. 8. Upon review of the state court complaint attached to the Notice of Removal, see dk. 1 Ex. A, it is apparent to the Court that it does not have jurisdiction over this case.


Federal question jurisdiction exists only when a federal question exists on the face of a well-pleaded complaint. See Wayne v. DHL Worldwide Express, 294 F.3d 1179, 1183 (9th Cir. 2002). The state court complaint here involves only a claim of unlawful detainer. See dk. 1 Ex. A (“COMPLAINT FOR UNLAWFUL DETAINER”). Therefore, no federal question is presented. See Deutsche Bank Nat. Trust Co. v. Ashley, No. 07-cv-1164-BEN, 2007 WL 2317104, at \*1 (S.D. Cal. Aug. 8, 2007). That Defendants have asserted “a defense arising under the express terms of a Federal statute” in their removal, see dk. 1 at 2, does not give the Court subject matter jurisdiction. See Alton Box Bd. Co. v. Esprit de

1 Corp., 682 F.2d 1267, 1274 (9th Cir. 1982). Moreover, based upon the face of the well-  
2 pleaded complaint, which alleges that the amount in controversy is "\$100," and indicates that  
3 Defendants are what is known as local defendants (residing in the State in which this action  
4 has been brought), see dkt. 1 Ex. A at 1-2, there is also no diversity jurisdiction. See 28  
5 U.S.C. § 1441(b).

6 Accordingly, this case is REMANDED to San Mateo County Superior Court.

7 **IT IS SO ORDERED.**

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9 Dated: October 18, 2011

  
10 CHARLES R. BREYER  
11 UNITED STATES DISTRICT JUDGE  
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United States District Court  
For the Northern District of California